

**REMARKS**

**Pending Claims:**

Claims 1 to 3 and 7 are pending.

**Rejections under 35 U.S.C. § 103:**

Claims 1 and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,302,860 B1 to Gremel et al. (Gremel) in view of U.S. Patent No. 5,147,187 to Ito et al. (Ito) and in further view of U.S. Patent No. 3,256,883 to De Wall. Applicants respectfully traverse this rejection of the claims.

Claim 1 requires an integrated device for oxygenating and filtering blood having a monolithic housing including portions defining a bubble trap, a blood pump, a heat exchanger, an oxygenator, and an arterial filter and wherein the integrated device does not comprise a venous reservoir. Gremel in view of Ito and in further view of De Wall neither teaches nor suggests an integrated device for oxygenating and filtering blood having a monolithic housing including portions defining a bubble trap, a blood pump, a heat exchanger, an oxygenator, and an arterial filter and wherein the integrated device does not comprise a venous reservoir. The Examiner has taken the position that Gremel discloses in FIGS. 3 and 4 these features with the exception of the heat exchanger and the location of the outlet positioned on the blood pump. Applicants respectfully disagree with the Examiner's position.

Applicants submit the Examiner's interpretation of Gremel is incorrect for at least two reasons. First, Gremel discloses in FIG. 3 a heart lung machine comprising various discrete components including an oxygenator, pump and an arterial filter 30 positioned on venous line 12 thus modifying the arterial filter as a

venous filter. As seen in FIG. 3 filter 30 is connected to directly receive venous blood from the patient and it is not positioned on the arterial side of the oxygenator. Thus, contrary to the Examiner's statement, the extracorporeal blood circuit of FIG. 3 does not include an arterial blood filter. FIG. 4 merely shows the modifications made to the arterial filter 30 to make it suitable for use in the venous blood side of the circuit. Second, Gremel discloses a series of stand alone devices including a venous filter (modified arterial filter 30), pumps, cardiotomy reservoir 20 and oxygenator 28 connected through a network of tubing lines. Gremel does not disclose an integrated device with a monolithic housing including portions defining a bubble trap, a blood pump, a heat exchanger, an oxygenator and an arterial filter as recited in claim 1 of the present application. Neither Ito nor De Wall corrects these deficiencies of Gremel. Therefore, for at least the reasons set forth above, Applicants respectfully request that the rejection of claim 1 be withdrawn. Claim 7 depends from claim 1 and thus adds further limitations to claim 1. Therefore Applicants believe claim 7 is also allowable and respectfully request that the Examiner withdraw the rejection of claims 1 and 7.

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,302,860 B1 to Gremel et al. (Gremel) in view of U.S. Patent No. 3,256,883 to De Wall and in further view of U.S. Patent No. 5,924,848 to Israelev.

Claims 2 and 3 depend from claim 1, which Applicants believe to be allowable for at least the reasons set forth above, and thus add further limitations to claim 1. Therefore Applicants believe claims 2 and 3 are also allowable and respectfully request that the Examiner withdraw the rejection of claims 2 and 3.

Response to Final Office Action  
Applicants: Edgardo Costa Maianti et al.  
Serial No.: 10/804,583

Attorney Docket No.: DID1046US

Conclusion

In view of Applicants' remarks, the claims are believed to be in condition for allowance. Reconsideration, withdrawal of the rejections, and passage of the case to issue is respectfully requested.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: June 26, 2009

By /Terry L. Wiles/

**Customer No. 009561**

Terry L. Wiles (29,989)

Patrick J. O'Connell (33,984)

POPOVICH, WILES & O'CONNELL, P.A.

8519 Eagle Point Blvd., Suite 180

Lake Elmo, MN 55042

Phone: (651) 330-4780

Fax: (651) 330-4787

Attorneys for Applicants